

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION
COMMON CAUSE/NEW YORK, COMMUNITY
VOICES HEARD, CITIZEN ACTION OF NEW YORK,
and JENIFER BENN,

Plaintiffs,

-against-

Civil Case No.: 1:19-cv-00920
DNH/CFH

RENSSELAER COUNTY BOARD OF ELECTIONS;
JASON SCHOFIELD, in his official capacity as
Commissioner of Rensselaer County Board of Elections;
STEVEN MCLAUGHLIN, in his official capacity as
Rensselaer County Executive; FRANK MEROLA, in his
official capacity as Rensselaer County Clerk; and
MICHAEL STAMMEL, in his official capacity as
Chairperson of the Rensselaer County Legislature,

Defendants.

DECLARATION

JASON SCHOFIELD, declares under the penalty of perjury as follows:

1. I am named as a Defendant in the above-captioned matter. I make this Declaration for the limited purpose of clarifying the circumstances surrounding the July 18, 2019 Press Release referred to in Plaintiff's Complaint and in support of Defendants' Motion to Dismiss.

2. I am currently employed by the Rensselaer County Board of Elections (hereinafter referred to as "Board") as the Republican Commissioner and I have held that position since April 10, 2018. The Board is comprised of two commissioners, each representing one of the two major political parties, and a full-time staff of equal representation. One of the Board's primary goals is to ensure that qualified voters have the opportunity to exercise their right to vote in all elections held in Rensselaer County.

3. Attached hereto as Exhibit "A" is a copy of the actual July 18, 2019 press release which Plaintiffs make reference to in their Complaint. Contrary to the Plaintiffs' mischaracterizations of the content of the July 18, 2019 press release as a County "policy", the press release was not prompted by any new County Law, County resolution or formal County policy. In fact, the idea of sharing publicly available information with federal law enforcement agencies (including U.S. Immigration and Customs Enforcement a/k/a "ICE") was not a new idea as of July 18, 2019.

4. I participated in the July 18, 2019 press release (Ex. A) because I had serious concerns about the City of Troy's recent attempt to make the City a sanctuary city and New York State's passage of the so-called "Green Light Law" (hereinafter "GLL") that was signed by Governor Cuomo one the month before the press release. My concerns about the GLL, which is to become effective in December 2019, include the fact that the GLL restricts the sharing of information between local governments like Rensselaer County and state and federal law enforcement agencies. It has been my understanding since the Homeland Security Act was passed by Congress after the 9/11 attacks, that the practice of sharing information and increasing coordination between federal, state and local governments was, and remains, critically important to our national security. That is why I participated in the July 18, 2019 press release and wanted the citizens of Rensselaer County to know that I remain committed to both national security and the safety of citizens of Rensselaer County. As reflected by the actual July 18, 2019 press release, my contribution consisted of the following statement: "I am proud to stand shoulder to shoulder with County Executive McLaughlin and county Clerk Merola on this issue and will fully cooperate with I.C.E. on this important matter." (Ex. A). As reflected by the press release, the specific voter registration information discussed consisted of "the names and addresses of people that have

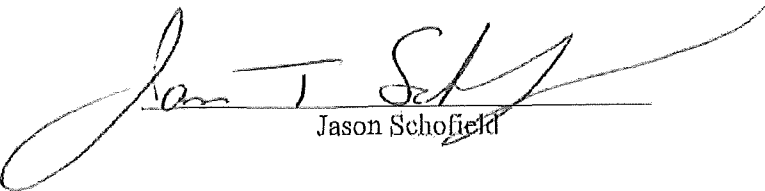
registered to vote in Rensselaer County through the Motor Voter Program.” (Ex. A). Such information is sent to the board by New York State Department of Motor Vehicles.

5. As Plaintiffs accurately note in paragraph “53” of their Complaint in this action, of the four Rensselaer County Officials who participated in the July 18, 2019 press release (i.e., myself and Messrs. McLaughlin, Merola and Stammel) I am the only one directly involved in the receipt and administration of the voter registration information (i.e., lists of names and addresses of persons registered to vote in Rensselaer County). Between July 18, 2019 and the date of this Declaration, none of the other Rensselaer County Officials who participated in the July 18, 2019 press release have made any requests of me for such voter registration information. Similarly, I have not sent any voter registration information to ICE nor any other federal law enforcement agencies as of this date. As of this date, I am not aware of whether ICE or any other federal law enforcement agencies are interested in receiving or requesting such voter registration information.

6. Since at least April 2018 (when I took office) the voter registration information described in the July 18, 2019 press release has been treated as publicly available information and made available to any person or organization who requests such information. Specifically, since I took office, the lists containing the voter registration information have been considered “public documents” available to any person or any organization who requests them under New York’s broad Freedom of Information Law (hereinafter “FOIL”). In fact, candidates for public office and their representatives routinely request and receive such voter registration information. Accordingly, making such public records available to any law enforcement officers or state or federal law enforcement agencies, is not a change in practice or policy since the voter registration information has been publicly available since at least the date I took office.

7. I have never been contacted by or had any contact with Jenifer Benn before she named me in this lawsuit.

DATED: August 15, 2019



Jason Schofield